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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,571	07/13/2001	John Aram Safa	SWIN 2277	2847

7812 7590 06/30/2005

SMITH-HILL AND BEDELL, P.C.  
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BEAVERTON, OR 97006

EXAMINER

JUNG, DAVID YIUK

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/905,571

Applicant(s)

SAFA

Examiner

David Y. Jung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 and 34-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/02, 10/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-32, 34-39 are presented.

### **CLAIM REJECTIONS**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-32, 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Publication 2330932A (inventor: Beelitz, cited in Applicant's IDS) and EP Publication 0191162B1 (inventor: Matyas, cited in Applicant's IDS).

Regarding claim 1, Matyas teaches "A digital data protection arrangement comprising executable code which incorporates sufficient information relating to the protected data (page 3, lines 22-47, i.e. smart card operation)."

These passages of Matyas do not teach "to be able to create, when executed, further code which contains the protected data in usable form" in the sense of the claim.

Beelitz teaches "to be able to create, when executed, further code which contains the protected data in usable form (page 3, last two paragraphs, i.e. preventing

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unauthorized execution, thus protect data)" for the motivation of (page 3, last two paragraphs, i.e. (page 1, the third paragraph)."

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine teachings of Matyas and Beelitz for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 2, 3, 4 (corruption handling), such particular features are well known in the art for the purpose of proper maintenance of data. Regarding claim 5, 13 (encryption, etc.), such particular features are well known in the art for the purpose of security. Regarding claims 6-12, 14-32, 34-35, 39, such particular features are well known in the art for the purpose of security and efficiency (e.g., embedding and blocks).

Regarding claim 36, Matyas teaches "Computer software operable to provide protection for a second item of computer software, the protection software comprising security means operable to authorise execution of the protected software in response to successful completion of one or more security checks, and having at least one block of executable code which is stored in non-executable form and which requires execution to authorise execution of the protected software, and the protection software further comprising ... which requires at least one conversion key, the conversion means being further operable to derive a conversion key, for use in the algorithm, by reference to a target block of code in executable or non-executable form, whereby an appropriate conversion key will be derived only if the target block is unmodified. (page 3, lines 22-47, i.e. smart card operation, in which the smart card would have the key to permit

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execution – i.e., conversion key -- and yet the system may permit copying as long as the copying does not lead to execution).”

These passages of Matyas do not teach “conversion means operable to convert the said block of code to an executable form by means of an algorithm” in the sense of the claim.

Beelitz teaches “conversion means operable to convert the said block of code to an executable form by means of an algorithm (page 3, last two paragraphs, i.e. preventing unauthorized execution, thus protect data)” for the motivation of (page 3, last two paragraphs, i.e. (page 1, the third paragraph).”

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine teachings of Matyas and Beelitz for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claims 37-38, such particular features are well known in the art for the purpose of security and efficiency.

### ***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

### ***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

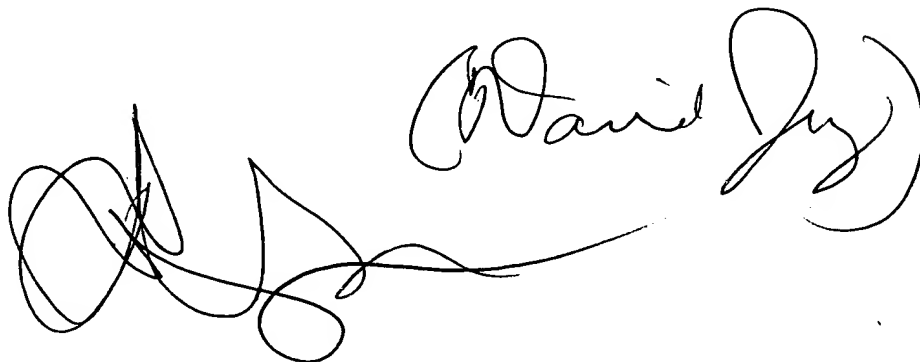
(703) 746-7239, (for formal communications intended for entry)

**Or:**

(703) 746-5606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Greg Morse whose telephone number is (571) 272-3838.

David Jung

A handwritten signature in black ink, appearing to read "David Jung", with a large, stylized flourish extending from the end of the signature.

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Patent Examiner

6/27/05

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.